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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,252	08/26/2003	Jerromy Laverne Johnson	11857.68	7130
68348 7590 02/06/2008 HAYNES AND BOONE, LLP 901 MAIN STREET SUITE 3100 DALLAS, TX 75202-3789			EXAMINER ALTSCHUL, AMBER L	
			ART UNIT 3626	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/649,252

**Applicant(s)**

JOHNSON ET AL.

**Examiner**

Amber L. Altschul

**Art Unit**

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 28, 2007 has been entered.

### ***Response to Amendment***

2. This communication is in response to the amendment filed on October 17, 2007. Claims 1-21 remain pending. Claims 1, 14 and 18 has been amended.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 14, 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks, et al., hereinafter Jinks. (U.S. Patent Application Publication No. 2002/0055862) in view of Ogawa, et al. (U.S. Patent Application Publication No. 2001/0023404).

5. (Currently Amended) As per claim 1, Jinks teaches a method for establishing rates for a property insurance policy, the method comprising:

determining a single tier placement for an applicant dependent upon a combination of mutually exclusive factors based on a plurality of data about the applicant, such that no single risk characteristic is the sole determinant for placement in a tier (page 1, para. 2), the factors including:

- a) a protection class, (page 1, para. 2); and
- b) a previous paid loss history, (page 4, para. 26); and

Jinks does not teach establishing a rate quote for a property insurance policy of a single insurance company for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. However, Ogawa teaches establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote, (page 1, para. 5, and page 2, para. 35).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Ogawa's teachings with the motivation of providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation (Ogawa, abstract).

6. (Original) As per claim 2, Jinks teaches the method of claim 1 as described above. Jinks further teaches the following:

wherein the policy is a renewal policy, (page 3, para. 23).

7. (Original) Regarding claim 3, Jinks teaches the method of claims 1 and 2 as described above. Jinks further teaches the following:

wherein the protection class is one of a plurality of nationally published numbers, (page 3, para. 24).

8. (Original) Regarding claim 4, Jinks teaches the method of claim 1-3 as described above. Jinks further teaches the following:

the nationally published numbers are in a range of from 1 to 10. (page 3, para. 24).

9. (Original) Regarding claim 5, Jinks teaches the method of claims 1-2 as described above. Jinks further teaches the following:

the previous paid loss history establishes one number in a range of from 0 losses to 3 or more losses paid in a previous three year period., (page 4, para. 26).

10. (Original) Regarding claim 6, Jinks teaches the method of claim 1 as described above. Jinks further teaches the following:

wherein the previous paid loss history is established based on one or more of information provided by an applicant, information provided by an insurer, and information provided by a third party, (pages 4-5, paragraphs 33-34).

11. (Currently Amended) As per claim 14, Jinks teaches following:

A system for establishing rates for a property insurance policy, the system comprising:

a computer system for determining a single tier placement for an applicant dependent upon a combination of mutually exclusive factors based on a plurality of data about the applicant, (page 1, para. 2), the computer system including:

a storage device storing a program, (claim 10); and

a processor coupled to the storage device, (page 1, para. 6), the processor operative with the program for establishing a rate quote for a property insurance policy of a single insurance company for the applicant based on the tier placement of the applicant in response to determining a protection class factor and a previous paid loss history factor, (claim 10), wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. processing the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for each of the two or more insurance carriers. Jinks does not teach wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. processing the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for each of the two or more insurance carriers. However, Ogawa teaches wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. processing the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for each of the two or more insurance carriers, (page 1, para. 5, and page 2, para. 35).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Ogawa's teachings with the motivation of providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation (Ogawa, abstract).

12. (Original) Regarding claim 16, Jinks teaches the method of claim 14 as described above. Jinks further teaches the following:

wherein the policy is a renewal policy, (page 3, para. 23).

13. (Currently Amended) As per claim 18, Jinks teaches the following:

A method for establishing rates for a property insurance policy ~~for a member of a membership organization~~, the method comprising:

an applicant communicating a request for property insurance, (abstract);

in response to the request, using a computer system for determining a single tier placement for the applicant dependent upon a combination of mutually exclusive factors based on a plurality of data provided by the applicant, (page 1, para. 2), the factors including:

a) a protection class, (page 1, para. 2); and

b) a previous paid loss history, (page 4, para. 26); and

Jinks does not teach establishing a rate quote for a property insurance policy of a single membership organization for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. However, Ogawa teaches establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote, (page 2, para. 35). Ogawa does not teach of a single membership organization. However, Jinks teaches insurance

being offered to business owners, (page 1, para. 2). Examiner interprets a 'group of business owners' to encompass 'a single membership organization'.

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Ogawa's teachings with the motivation of providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation (Ogawa, abstract).

14. (Original) As per claim 19, Jinks teaches the method of claim 18 as described above. Jinks further teaches the following:

wherein the policy is a renewal policy, (page 3, para. 23).

15. Claims 7-13, 15, 17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks, et al. (U.S. Patent Application Publication Number US 2002/0055862) in view of Ogawa, et al. (U.S. Patent Application Publication No. 2002/0055862) and further in view of ChoicePoint, 2002-01-24, [online], Retrieved from web.archive.org using the Internet <URL:

<http://web.archive.org/web/20020124085629/http://www.choicepoint.net/>>. (Hereinafter ChoicePoint).

16. (Previously Presented) As per claim 7, the method of claim 1 is taught as described above. Jinks does not teach wherein the factors for determining a single tier placement for the applicant further comprise an insurance credit score. However, ChoicePoint teaches determining an insurance credit score, (Insurance Information Services, page 1).



One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Choicepoint's teachings with the motivation to determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

17. (Original) Regarding claim 8, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks further teaches the method wherein the policy is a new policy, (page 3, para. 24).

18. (Original) Regarding claim 9, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks does not teach wherein the insurance credit score is derived from a nationally used credit model. However, ChoicePoint teaches wherein the insurance credit score is derived from a nationally used credit model, (Insurance Information Services, page 1). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate determining an insurance credit score into the method taught by Jinks. One of ordinary skill in the art would have been motivated to incorporate this method into Jinks and determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

19. (Original) Regarding claim 10, Jinks in view of ChoicePoint teaches the method of claim 9 described above. Jinks does not teach wherein the insurance credit score is a three digit number which falls into one of a set of multiple ranges. However, ChoicePoint teaches wherein the insurance credit score the insurance credit score is a three digit number which falls into one of a set of multiple ranges, (Insurance

Information Services, page 1). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate determining an insurance credit score into the method taught by Jinks. One of ordinary skill in the art would have been motivated to incorporate this method into Jinks and determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

20. (Original) Regarding claim 11, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks further teaches the method wherein the protection class is one of a plurality of nationally published numbers, (page 3, para. 24). Examiner interprets 'standard ISO classifications' to encompass a plurality of nationally published numbers.

21. (Original) Regarding claim 12, Jinks in view of ChoicePoint teaches the method of claim 11 as described above. Jinks further teaches the method wherein the nationally published numbers are in a range of from 1 to 10. (page 3, para. 24). The instant application states, "The protection class factor at 104 includes an assigned number of from 1 (best) to 10 (worst). This number is provided by The Insurance Services Organization (ISO) on a nationally available rating table".

22. (Original) Regarding claim 13, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks further teaches the method wherein the previous paid loss history establishes one number in a range of from 0 losses to 3 or more losses paid in a previous three year period., (page 4, para. 26).

23. (Previously Presented) Regarding claim 15, the method of claim 14 is taught as described above. Jinks does not teach wherein the processor is operative with the program to establish a rate quote for a the property insurance policy for the applicant based on the tier placement of the applicant in response to further determining an insurance credit score factor. However, ChoicePoint teaches wherein the processor is operative with the program to establish a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant in response to further determining an insurance credit score factor, (Insurance Information Services, page 1).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Choicepoint's teachings with the motivation to determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

24. (Original) Regarding claim 17, Jinks in view of ChoicePoint teaches the method of claim 15 as described above. Jinks further teaches the method wherein the policy is a new policy, (page 3, para. 24).

25. (Previously Presented) As per claim 20, the method of claim 18 is taught as described above. Jinks does not teach wherein the factors used for determining a single tier placement for the applicant further include an insurance credit score. However, ChoicePoint teaches wherein the factors used for determining a single tier placement for the applicant further include an insurance credit score, (Insurance Information Services, page 1).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Choicepoint's teachings with the motivation to determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

26. (Original) Regarding claim 21, Jinks in view of ChoicePoint teaches the method of claim 20 as described above. Jinks further teaches the method wherein the policy is a new policy, (page 3, para. 24).

*Response to Arguments*

27. Applicant's arguments filed June 28, 2007 have been fully considered but they are not persuasive. Applicant asserts that there is not suggestion or motivation to combine the references. However, the Examiner cited a motivation to combine the references in the rejections above and in previous office actions. Further, the fact that Jinks is concerned, as asserted by the applicant, with insuring a business risk, and that Ogawa is concerned, as asserted by the applicant, with providing an insurance premium or rate quote from each of a plurality of companies does not mean that modifying Jinks to include features of Ogawa would destroy Jinks functionality. In fact, it is common in insurance environments for systems and methods to be expanded from one environment to another. In addition, Jinks and Ogawa are in the same field of endeavor of insurance, and the combination is thus proper.

(A) Applicant further asserts that Jinks, Ogawa, Choicepoint, or any combination thereof does not teach "establishing a rate quote for a property insurance policy of a single insurance company". In response, the Examiner respectfully disagrees. It is

readily apparent that Ogawa suggests "establishing a rate quote for a property insurance policy of a single insurance company", (See Ogawa, page 1, para. 5).

(B) Applicant further argues that Jinks, Ogawa, Choicepoint, or any combination thereof does not teach "establishing a rate quote for a property insurance policy of a single membership organization". In response, the Examiner respectfully disagrees. It is readily apparent that Jinks suggests "establishing a rate quote for a property insurance policy of a single membership organization", (See Jinks, page 1, para. 2).

28. As such, Applicant's remarks with regard to the application of Jinks and Ogawa to the amended claim are moot in light of the above Office Action. Applicant's arguments with respect to claims 1-21 have been considered but are moot.

### *Conclusion*

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Computerized insurance premium quote request and policy issuance system (US 4831526 A), Process to convert cost and location of a number of actual contingent events within a region into a three dimensional surface over a map that provides for every location within the region its own estimate of expected cost for future contingent events, (US 6186793 B1), Personal financial assistant computer method (US 5231571 A), System for underwriting a combined joint life and long term care insurance policy which is actuarially responsive to long term care demands and life expectancies of the individual insureds (US 6584446 B1).

***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-1362. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALA  
January 4, 2008

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